REMARKS

In the September 16, 2003 Office Action, claims 1, 3-11 and 15-22 were rejected in view of prior art. Claims 1, 3-13 and 15-22 were rejected as being indefinite. Claims 12-13 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowance and the thorough examination of this application. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the September 16, 2003 Office Action, claims 1 and 16 have been amended as indicated above. Also, claims 15 and 20 were canceled. Thus, claims 1, 3-13, 16-18 and 21-22 are pending, with claims 1, 12 and 16 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Claim Rejections - 35 U.S.C. §112

On page 2 of the Office Action, claims 1, 3-13 and 15-22 were rejected under 35 U.S.C. §112, second paragraph.

In response, Applicant respectfully assert that this rejections to claims 12 and 13 are improper, since claims 12 and 13 do not depend from claims 1 or 16, or contain the rejected language "such that said harness connector and said rod mount are disposed at substantially the same level." Furthermore, claims 12 and 13 were indicated as being allowed in the Office Action dated April 29, 2003, and have not been amended since. It is unclear to Applicant why claims that were once allowed are now rejected. Applicant respectfully requests that the rejections to claims 12 and 13 be withdrawn or a reason for the rejections be given.

Further in response to rejections to claims 1, 3-11 and 15-22, Applicant has amended claims 1 and 16 to delete the rejected language "at substantially the same level." Thus, the rejections to claims 1, 3-11 and 15-22 are now moot.

Regarding the rejections to claims 9-11, the language "such that said harness connector and said rod mount are disposed at substantially the same level" in claim 1 has been deleted as discussed above. Therefore, there is no inconsistency in the claimed subject matters in claims 1 and 9-11.

Applicant believes that the claims 1, 3-13 and 15-22 comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 103

On pages 2-4 of the Office Action, claims 1-11 and 14-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,688,346 ("Collins patent") in view of U.S. Patent No. 5,150,854 ("Noda patent"). Claims 5 and 7 stand rejected as being unpatentable over the Collins patent in view of the Noda patent and U.S. Patent No. 3,166,269 ("Veroli patent"). Claims 9-11 stand rejected as being unpatentable over the Collins patent in view of the Noda patent and U.S. Patent No. 5,865,388 ("Yeh patent"). Claims 1-11 and 14-22 are also rejected over the Veroli patent in view of the Noda patent. Claims 9-11 stand rejected as being unpatentable over the Veroli patent in view of the Noda patent and the Yeh patent. In response, Applicant has amended claims 1 and 16 as indicated above.

Independent claims 1 and 16 as now amended require a drag lever or drag lever means for adjusting a drag force of said spool, the drag lever or the drag lever means extending toward the rod mount. Applicant believes the Collins patent, the Noda patent, the Veroli patent, and the Yeh patent do not disclose or suggest the arrangement of claims 1 and 16 either singularly or in any combination.

Collins Patent

The Office Action asserts that the Collins patent shows a fishing reel that is attached to the fishing rod from below as viewed in Figure 5. However, Applicant believes that the fishing reel of the Collins patent is meant to be attached to the fishing rod ***from above***, not from below as alleged by the Office Action, and that although the Collins patent shows the reel in the drawings as if it was attached to the fishing rod from below, these drawings show the reel and the fishing rod upside down so that the reel seat can be displayed better. *See* declaration of Mr. Noboru Sakaguchi (Exhibit A).

Specifically, the description of the Collins patent suggests that the reel seat of the Collins patent is meant to be attached to the fishing rod from below. Column 4, lines 42-46 of the Collins patent clearly states that the braces 35 are "a typical and conventional structure normally associated with certain heavy duty fishing reels such as the Penn International and Senator big game reel." As clearly shown in the 1985 and 2003 catalog of Penn Reels (Exhibit B and C, respectively), all International and Senator reels are attached to the fishing rod ***from above***.

Even if it is assumed *arguendo* that the reel of the Collins patent is attached to the fishing rod from below, the Collins patent does not disclose or suggest a drag lever, which is required by now-amended claims 1 and 16. Therefore, the Collins patent cannot meet the requirement of claims 1 and 16 as now amended.

Noda patent

The Noda patent shows a drag lever 8, which clearly extends ***away*** from the rod mount 20 as shown in Figure 1. This is clearly contrary to the requirement of claims 1 and 16 as now amended. Thus, the Noda patent cannot cure the deficiency of the Collins patent.

Veroli patent

Regarding the Veroli patent, although the Office Action on page 6 asserts that it shows a reel that is mounted to the rod from below, Applicant believes that this reel of the Veroli patent is meant to be mounted to the fishing rod ***from above***. *See* Exhibit A. In Figure 2, indicators for the drag are marked upside down. This strongly suggests that the reel is meant to be mounted to the rod from above. Thus, Applicant believes that the Veroli patent does ***not*** show a reel that is mounted to the rod from below, contrary to the assertion of the Office Action.

Further with regard to the Veroli patent, it shows a drag lever 93, which clearly extends ***away*** from the rod mount 17, as seen in Figure 1. This is clearly contrary to the requirement of claims 1 and 16 as now amended. Thus, the Veroli patent cannot cure the deficiency of the Collins patent and the Noda patent.

Yeh Patent

The Yeh patent does not disclose or suggest a drag lever. Thus, the Yey patent cannot cure the deficiency of the Collins patent, the Noda patent, and the Veroli patent.

Therefore, Applicant believes that the Collins patent, the Noda patent, the Veroli patent, and the Yeh patent fail to anticipate or suggest the arrangements set forth in claims 1 and 16 as now amended.

Regarding dependent claims 3-11, 14-15 and 17-22, claims 14 and 19 were canceled in the Amendment filed on July 24, 2003, and claims 15 and 20 are canceled in this Amendment. Thus, rejections to these claims are moot. As to claims 3-11, 17-18 and 21-22, they depend from claims 1 and 16. Since independent claims 1 and 16 are allowable, Applicant also believes that dependent claims 3-11, 17-18 and 21-22 are also allowable over the prior art of record.

Applicant respectfully requests that the rejections be withdrawn in view of the above comments and amendments.

Allowable Subject Matter

On page 9 of the Office Action, claims 12 and 13 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitation of the base claim and any intervening claims. Applicant wishes to thank the Examiner for this indication of allowance.

However, it is not clear what rejections to claims 12 and 13 the Office Action is referring to. Claims 12 and 13 do ***not*** contain the claim language discussed in the section of the rejection under 35 U.S.C. 112. Also, although the Office Action seems to interpret claims 12 and 13 as being dependent from claims that are rejected under 35 U.S.C. 112 in the Office Action, claim 12 is an independent claim, with claim 13 being dependent therefrom. Furthermore, as discussed above, claims 12 and 13 were ***allowed*** in the Office Action of April 29, 2003. Claims 12 and 13 have not been amended since then. It is not clear to Applicant why the allowance of claims 12 and 13 has been withdrawn in this Amendment. Applicant respectfully requests that the rejections to claims 12 and 13 be withdrawn or the rejections to claims 12 and 13 be explained.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1, 3-13, 16-18 and 21-22 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: Jan 13, 2004
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